

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

| | | |
|---|---|------------------|
| WILL O. KING | § | |
| | § | |
| Plaintiff, | § | CIVIL ACTION NO. |
| | § | 1:15-CV-0583-TWT |
| v. | § | |
| KYLEMA JACKSON, Individually and in His Official Capacity as a City of Atlanta Police Officer and the CITY OF ATLANTA | § | |
| | § | |
| Defendants. | § | |
| | § | |

**CITY OF ATLANTA'S MOTION TO DISMISS AND INCORPORATED
BRIEF IN SUPPORT OF ITS MOTION TO DISMISS PLAINTIFF'S
AMENDED COMPLAINT FOR DAMAGES**

COME NOW Defendant City of Atlanta ("The City") and files its Motion to Dismiss Plaintiff's Amended Complaint for Damages and Incorporated Brief in Support of Motion to Dismiss.

I. FACTUAL BACKGROUND

Defendant reasserts its statement of facts as provided in detail in its Brief in support of Motion to Dismiss Plaintiff's original complaint and incorporates by reference as if set forth here in full.¹

¹ Doc.4, City's Motion to Dismiss; Doc.7, City's Reply Brief.

II. STANDARD OF REVIEW

Defendant reasserts its standard of review as provided in detail in its Brief in support of Motion to Dismiss Plaintiff's original complaint and incorporates by reference as if set forth here in full.²

A. **PLAINTIFF'S FEDERAL AND STATE CLAIMS AGAINST THE CITY OF ATLANTA MUST BE DISMISSED.**

Plaintiff's Amended Complaint contains the same substantial allegations as contained in his initial Complaint. Plaintiff simply reiterates the allegations and adds additional information regarding Former Officer Kylema Jackson's criminal charges. Therefore, the City reiterates its argument, including facts and law, as provided in its previously filed City's Motion to Dismiss Plaintiff's Complaint for Damages, as well as, City's Reply Brief and incorporates by reference as if set forth here in full.³

IV. **CONCLUSION**

For the foregoing reasons, Defendant City of Atlanta requests that all claims against the City be dismissed.

CERTIFICATION

Counsel for City Defendants certifies that this brief has been prepared with Times New Roman font, 14 point, and therefore it complies with the requirements

² Id.

³ Id.

of L.R. 5.1(C).

Respectfully submitted, this 10th day of April, 2015.

/s/ LaShawn W. Terry
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CERTIFICATE OF SERVICE

I hereby certify that on April 10th, 2015, I electronically filed a copy of the
**CITY OF ATLANTA'S MOTION TO DISMISS AND INCORPORATED
BRIEF IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S
AMENDED COMPLAINT FOR DAMAGES** with the Clerk of Court using the
CM/ECF system with service on all attorneys of record electronically.

/s/LaShawn W. Terry
LASHAWN W. TERRY
Sr. Assistant City Attorney
Georgia Bar No. 702578